

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LATHARSIE WILLIAMS
Plaintiff,

§

V.

§

CIVIL ACTION NO. 4:13-cv-3429

UNIVERSITY OF TEXAS HEALTH
SCIENCE CENTER HOUSTON
Defendant.

§

JURY DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

This is an action arising under the Fair Labor Standards Act of 1938 (FLSA), 52 Stat. 1060, as amended, 29 U.S.C. §201 *et seq.* (1994 ed. and Supp. III) ("FLSA"). This action is brought as an individual action to recover unpaid overtime compensation, liquidated damages, and attorney's fees owed to Plaintiff Latharsie Williams ("Plaintiff").

Parties

1. Plaintiff Latharsie Williams was an "employee" of Defendant, as that term is defined by the FLSA, and is represented by the undersigned. During her employment with the Defendant, the Plaintiff was, individually, directly engaged in interstate commerce, and her work was essential to Defendant's business.

2. Defendant, University of Texas Health Science Center Houston is subject to the provisions of the FLSA, as it was at all relevant times or was part of an enterprise engaged in interstate commerce as defined by 29 U.S.C. § § 203(r) and (s). University of Texas Health Science Center Houston may be served with process through its president, Giuseppe N. Colasurdo, M.D., at 7000 Fannin, Suite 1700, Houston, Texas 77030, or wherever he may be found.

3. This Court has jurisdiction under the FLSA, and venue is proper pursuant to 28 U.S.C. § 1391(b), as Defendant and Plaintiff transacted business within this judicial district, and the events underlying this complaint occurred within this judicial district as well.

Factual Allegations

4. Plaintiff was employed by Defendant from December, 2007 to June, 2013. During one or more weeks of her tenure with the Defendant, the Plaintiff worked in excess of 40 hours per week.

5. During one or more weeks of Plaintiff's employment with Defendant wherein Plaintiff worked in excess of 40 hours, Defendant failed to pay Plaintiff the overtime premium required by the FLSA.

6. At all times relevant hereto, the Defendant knew of, approved of, and benefited from Plaintiff's regular and overtime work.

7. Plaintiff was not paid on a salary or fee basis, and did not ever serve in the capacity of an executive, administrator, professional or outside sales representative, as those terms are understood pursuant to 29 C.F.R. §541. Plaintiff was not exempt from the protection of the FLSA.

8. The Defendant did not make a good faith effort to comply with the overtime provisions contained within the FLSA.

9. Defendant's actions were willful and in blatant disregard for Plaintiff's federally protected rights.

10. Defendant is liable to Plaintiff under the FLSA for all unpaid wages and overtime compensation for the three-year-period preceding the filing of this lawsuit as well as for liquidated damages, attorney's fees, out of pocket expenses and costs of Court.

Jury Demand

11. Plaintiff demands a trial by jury on all claims she has asserted herein.

Prayer for Relief

WHEREFORE, Plaintiff demands:

1. Judgment against Defendant for an amount equal to Plaintiff's unpaid back wages at the applicable overtime rates;
2. Judgment against Defendant that its violations of the FLSA were willful;

3. An amount equal to the unpaid wages damages as liquidated damages;
4. To the extent that liquidated damages are not awarded, an award of prejudgment interest;
5. All costs, recoverable expenses and attorney's fees incurred prosecuting these claims;
6. Leave to amend to add claims under applicable state laws; and
7. For such further relief as the Court deems just and equitable.

Respectfully Submitted,

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/s/ Josef F. Buenker

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